



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,392	02/27/2007	Juergen Knuepfer	20831/0204936-US0	6007
7278	7590	11/24/2009		
DARBY & DARBY P.C. P.O. BOX 770 Church Street Station New York, NY 10008-0770			EXAMINER THOMPSON, BRADLEY E	
			ART UNIT	PAPER NUMBER
			2612	
			MAIL DATE	DELIVERY MODE
			11/24/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/596,392

Applicant(s)

KNUEPFER, JUERGEN

Examiner

BRADLEY E. THOMPSON

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) 1-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 18-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Status of Claims

1. This is in response to the arguments filed on 02/27/2007 which did not amend any claim. Therefore, claims 18-36 are currently pending in the application. The arguments are persuasive hence the previous rejections under 35 USC 103(a) hereby withdrawn.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 18-23 and 25-29** are rejected under 35 U.S.C. 103(a) as being unpatentable over Wade (WO 02/093521; Wade; provided in PTO-1449) in view of Breed (US Patent Application Pub 2003/0227382; Breed).

In consideration of independent **claim 18**:

Wade is directed to a security system for road vehicles in general and trucks in particular (page 1 lines 1-5). Wade exhibits video cameras for observing the interior of a truck trailer (figures 2-3) (reads on monitoring system for the cargo space of a transportation means). He recites "The system further comprises a number of sensors 36 (figure 6) for detecting the presence of an intruder in the vicinity of any of the video cameras. These sensors may be of any suitable type including passive IR sensors. Wade exhibits a central controller 38 (reads on a plurality of motion detectors coupled to the data-input side of control unit).

Wade exhibits a video recording unit 32 (figure 6) which is "able to record the view from every camera which is activated" (page 4 lines 20-21) (reads on a plurality of image recording devices connected to the output-side on control unit).

However, Wade is silent on being able to detect the state of motion of the truck trailer.

In an analogous art, Breed relates to a system for remotely monitoring assets to include the interior and exterior space of a shipping container (figure 1) (paragraph 2). He exhibits an inertial device 30, e.g. an accelerometer on shipping container 10 (figure 1) (paragraph 77), for sensing shock or vibration caused by loose cargo or intruders. Breed recites "this relative motion can be determined by the processor" (paragraph 77). He further exhibits a processor/receiver 16 (reads on control unit configured to receive a characteristic value for the current state of motion of the transportation means).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Wade with the accelerometers of Breed for the purpose of knowing if the cargo space is in motion or at rest. A combination as such represents an improvement to Wade and would yield a predictable result.

In consideration of **claim 19**:

The system of Wade and Breed discloses all as applied above (see claim 18). Specifically, as presented in the rejection of claim 1, Wade teaches motion detectors and Breed teaches accelerometers (reads on wherein the plurality of motion detectors includes a plurality of acceleration sensors).

In consideration of **claim 20**:

The system of Wade and Breed discloses all as applied above (see claim 18). Specifically, Wade exhibits module 32 (figure 6) for “recording views captured by the video cameras” (page 4 lines 10-12) (reads on a memory module wherein at least one of the image-recording devices is connected to the memory module).

In consideration of **claim 21**:

The system of Wade and Breed discloses all as applied above (see claim 20). Wade teaches a hard drive which stores digital data (page 4 lines 36-37) (reads on wherein at least one of the memory modules is configured for digital data storage).

In consideration of **claim 22**:

The system of Wade and Breed discloses all as applied above (see claim 21). Wade teaches wherein the recording medium may be removable and rewriteable (page 4 line 37 – page 5 line 2) (reads on wherein memory module includes a multimedia card).

In consideration of **claim 23**:

The system of Wade and Breed discloses all as applied above (see claim 20). However, Wade fails to disclose a means for determining geographic location.

Breed teaches wherein container 10 includes GPS hardware and software for assessing the geographic position (paragraph 66).

Hence, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Wade with the GPS of Breed for the obvious improvement it represents.

Breed writes “The asset can include a memory unit for storing data relating to the location of the asset and the contents in the interior of the asset. The memory unit can be arranged to store data relating to the opening and closing of the door, as determined by a door status sensor,

in conjunction with the location of the asset and the contents in the interior of the asset” (paragraph 38) (reads on wherein the memory module stores characteristic values for permissible loading/unloading positions).

In consideration of **claim 25**:

The system of Wade and Breed discloses all as applied above (see claim 18). Wade exhibits a transceiver 34 (figure 6) for transmitting the video signals to the viewing unit 20 (reads on system further comprising a transmitter for wireless data transmission connected to the output side of the control unit).

In consideration of **claim 26**:

The system of Wade and Breed discloses all as applied above (see claim 18). As discussed in the rejection of claim 23, Breed teaches GPS (reads on a system further comprising a GPS receiver connected to control unit).

In consideration of **claim 27**:

The system of Wade and Breed discloses all as applied above (see claim 18). However, Wade is silent on an information network.

Breed exhibits a server 50 and internet access 64 (figure 4).

Therefore, it would be obvious to one of ordinary skill to modify Wade with the network access of Breed since it represents an obvious improvement (reads on wherein the transportation means includes an information system and wherein the control unit is connected to the information system).

In consideration of **claim 28**:

The system of Wade and Breed discloses all as applied above (see claim 18).

Wade exhibits ports for video cameras VC1-3 and motion detectors 36 with central processor 38 (figure 6). As discussed in the rejection of claim 27, Breed exhibits an interface for network access (reads on comprising a plurality of interfaces for connecting other functional components and wherein the control unit is connected to the plurality of interfaces).

In consideration of **claim 29**:

The system of Wade and Breed discloses all as applied above (see claim 20). Wade exhibits a tractor-trailer with cargo space (figures 2-3) under surveillance of the monitoring system (reads on a vehicle having cargo space which is provided with a monitoring system).

4. **Claim 24 and 30-36** are rejected under 35 U.S.C. 103(a) as being unpatentable over Wade and Breed in view of Freeman et al. (US Patent 7,088,387) hereinafter referred to as Freeman.

In consideration of **claim 24**:

The system of Wade and Breed discloses all as applied above (see claim 18). As presented in the rejection of claim 1, Wade discloses video cameras for monitoring the state of the container. However, Wade and Breed are silent on how to initiate recording of video based on a triggering event and then automatically cease recording.

In an analogous art, Freeman is related to a video recording apparatus which is tied video image sensors and, upon detection of a triggering event, will record a predetermined number of video frame and store them in a memory buffer at which point recording ceases (Summary of Invention column1 line 64 - column 2 line 10) (reads on wherein at least one of the image-recording devices is configured to, upon activation by the control unit, record a predefinable

number of images and subsequently deactivate itself autonomously).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Wade and Breed with automatic apparatus for recording video, as taught by Freeman, so as not to exhaust the video storage with non-eventful images.

In consideration of independent **claim 30**:

The system of Wade, Breed and Freeman discloses everything as presented in the rejection of claims 18 and 24. Hence, claim 30 is rejected for the same reasons set forth in the rejection of claims 18 and 24 since the method is an inherent variation of the system in those claims.

In consideration of **claim 31**:

The methods of Wade, Breed and Freeman disclose all as applied above (see claim 30). Hence, claim 31 is rejected for the same reasons set forth in the rejection of claim 19 since the method is an inherent variation of the system in that claim.

In consideration of **claim 32**:

The methods of Wade, Breed and Freeman disclose all as applied above (see claim 30). Hence, claim 32 is rejected for the same reasons set forth in the rejection of claim 20 since the method is an inherent variation of the system in that claim.

In consideration of **claim 33**:

The methods of Wade, Breed and Freeman disclose all as applied above (see claim 32). Hence, claim 33 is rejected for the same reasons set forth in the rejection of claim 22 since the method is an inherent variation of the system in that claim.

In consideration of **claim 34**:

The methods of Wade, Breed and Freeman disclose all as applied above (see claim 30). Hence, claim 34 is rejected for the same reasons set forth in the rejection of claim 24 since the method is an inherent variation of the system in that claim.

In consideration of **claim 35**:

The methods of Wade, Breed and Freeman disclose all as applied above (see claim 30). Freeman teaches generating a signal indicative of an alarm condition when a triggering event occurs (column 2 lines 38-50) (reads on further comprising, upon activation, sending a warning message to the transmitter).

In consideration of **claim 36**:

The methods of Wade, Breed and Freeman disclose all as applied above (see claim 30). Upon activation, the GPS receiver, as presented in the rejection of claim 26, is fully capable of determining the location of the freight vehicle (reads on further comprising, upon activation, determining a position of the transportation means).

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRADLEY E. THOMPSON whose telephone number is (571)270-5583. The examiner can normally be reached on M-F 8 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on 571-272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BRADLEY E THOMPSON
Examiner
Art Unit 2612

/BET/

/Daniel Wu/
Supervisory Patent Examiner, Art Unit 2612